

Remarks

Initially submitted were claims 1 to 9, of which claims 1, 3, and 4 were independent. Now, claims 1 to 9 are canceled and new claims 10 to 22 are submitted, of which claims 10, 13, and 17 are independent. Claim 11 is canceled and the subject matter of claim 11 is incorporated into claim 10. Claim 12 is amended to make it depend from claim 10 as claim 11 is canceled.

The Statement of Cross Related Applications is amended to change the JP priority date from 2000 to 1999 to correct this clerical error. The previously executed declaration shows this to be correct.

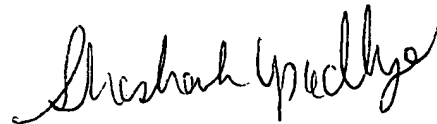
The Sugeno reference is not available for obviousness purposes under section 103(c). The applicants note that Sugeno and the current application were (are) assigned to Sony Corp., the same assignee. As such, Sugeno cannot be used as a reference because it is section 102(e) art. Those claims rejected in view of Sugeno are allowed as the combination of references is destroyed.

As to Miyasaka, teaches that the positive electrode active material has the formula $\text{Li}_x\text{Mn}_{2-a}\text{M}_{a/c}\text{O}_{4+b}$ (where $0 < a/c < 2/3$). The maximum atomic rate of M to maintain the spinel structure is about 0.3. If the spinel structure of the spinel structure cannot be maintained, then the life cycle and the capacity suffers greatly. The present invention keeps the value to be less than or equal to 0.3 and hence spinel structure is maintained and excellent cycle life and capacity are created. The applicants particle size range also shows superior results. Miyasaka discloses a very wide range of particle size; up to 5 times as large. Tables I and II of the specification show that the applicants narrower range shows superior results using a smaller particle size. With Miyasaka being overcome, all bases for obviousness are overcome also.

Conclusion

The applicant respectfully requests withdrawal of the rejections and believes that the claims as presented represent allowable subject matter. But if the Examiner desires, the applicant is ready for a telephone interview to expedite prosecution. As always, the Examiner is free to call the undersigned at 312-876-2622.

Respectfully submitted,



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